

EXHIBIT H

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Civil Action No. 15-2932 (BRM) (TJB)

JOEL MARTINEZ

CONFIDENTIAL

Plaintiff

vs.

ORAL DEPOSITION OF:

JOEL MARTINEZ

COLONEL JOSEPH R. RUENTES,
SUPERINTENDENT, LT. COLONEL
PATRICK CALLAHAN, DEPUTY
SUPERINTENDENT OF OPERATIONS;
MAJOR KEVIN DUNN, DEPUTY
BRANCH COMMANDER, FIELD
OPERATIONS SECTION; JOHN
DOE 1, TROOP C COMMANDER;
JOHN DOE 2, SUPERVISOR,
TROOPER I JOSE G. RIVERA
(#6010), ACTING MAJOR MARK
WONDRACK, OFFICE OF
PROFESSIONAL STANDARDS;
CAPTAIN SCOTT EBNER, BUREAU
CHIEF, INTAKE AND ADJUDICATION
BUREAU, OFFICE OF PROFESSIONAL
STANDARDS, AND DSG ISMAEL
E. VARGAS,

Defendants.

* * * *

THURSDAY, APRIL 26, 2017

* * * *

MASTROIANNI & FORMAROLI, INC.

Certified Court Reporting & Videoconferencing
251 South White Horse Pike
Audubon, New Jersey 08106
856-546-1100

<p style="text-align: right;">Page 2</p> <p>1 2 3 4 5 Transcript of proceedings in the 6 above matter taken stenographically by 7 Theresa Mastroianni Kugler, Certified Court Reporter, 8 license number 30X100085700, Notary Public of the 9 State of New Jersey and the Commonwealth of 10 Pennsylvania at the law offices of Loughry & Lindsey, 11 LLC, 330 Market Street, Camden, New Jersey, 08102, 12 commencing at 10:16 AM. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 WITNESS INDEX 3 4 EXAMINATION OF MR. JOEL MARTINEZ 5 6 By Mr. Marshall-Otto Page 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 3 4 LOUGHRY and LINDSAY, LLC BY: JUSTIN T. LOUGHRY, ESQUIRE 5 330 MARKET STREET CAMDEN, NEW JERSEY 08102 6 856-968-9201 ATTORNEYS FOR THE PLAINTIFF, 7 JOEL MARTINEZ 8 9 NEW JERSEY OFFICE OF THE ATTORNEY GENERAL BY: KAI MARSHALL-OTTO, ESQUIRE 10 RICHARD J. HUGHES JUSTICE COMPLEX 25 MARKET STREET 11 SECOND FLOOR TRENTON, NEW JERSEY 08611-2148 12 609-633-8687 kai.marshall-otto@law.njoag.gov 13 ATTORNEYS FOR THE DEFENDANTS 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 EXHIBITS 2 EXHIBITS RETAINED BY COUNSEL - NOT ATTACHED 3 4 Exhibit Martinez 1, photographs 5 Page 36 6 7 Exhibit Martinez 2, Responses and Objections of Plaintiff, Joel Martinez to defendants' Notice to 8 Produce Documents 9 Page 39 10 Exhibit Martinez 3, Responses and Objections to Interrogatories 11 Page 41 12 Exhibit Martinez 4, Certification As To Accuracy And Completeness Of Records Provided 13 Page 47 14 Exhibit Martinez 5, email transcription of text 15 messages between Raquel Rivera and Joel Martinez Page 47 16 Exhibit Martinez 6, 2012 tax returns 17 Page 64 18 Exhibit Martinez 7, 2013 tax return 19 Page 67 20 Exhibit Martinez 8, 2014 tax returns for Joel and 21 Vicky Martinez 22 Page 67 23 Exhibit Martinez 9, Schedule A Form 1040 tax return 24 for Joel Martinez Page 68 25</p>

Page 6

Exhibit Martinez 10, 2016 tax return
Page 69

REQUESTS

REQUEST.....Page 11

REQUEST.....Page 13

Page 8

runs smoothly.

During the course of your deposition, I'm going to ask you a series of questions regarding the events underlying this lawsuit. Please make sure you answer each question to the best of your recollection.

I'm also going to be asking you some background questions. Some of it may not appear directly relevant to you, but it's just general standard background questions we ask. If you don't remember an answer to a question, you can simply say that you don't remember. That's okay. But please try to answer every question that I ask to the best of your recollection.

If you don't know the answer to a question, it's fine to say that you don't know. I will try to avoid asking questions that require you to engage in speculation or simple guesses. That being said, if I ask you a question and you choose to guess, please just let me that you're making an educated guess or something of that nature.

Make sure that you speak all of your answers because the court reporter cannot take down a nod or a shake of the head. So rather than nods and shakes, yeses and nos are preferred.

Page 7

(JOEL MARTINEZ, having been duly sworn,
was examined and testified as follows:)
(EXAMINATION OF MR. MARTINEZ BY MR. MARSHALL-OTTO:)

Q. Good morning, Mr. Martinez. My name is Kai Marshall-Otto. I'm here in the matter captioned Martinez versus Fuentes, et al, presently proceeding in the U.S. District Court, District of New Jersey.

I'm a deputy attorney general with the office of the Attorney General of New Jersey and I represent Trooper Jose Rivera with respect to the civil lawsuit you, Mr. Joel Martinez, have brought against him.

We're here today at the Loughry and Lindsay firm in Camden, New Jersey to depose you, Mr. Joel Martinez.

Mr. Martinez, do you understand that you're under oath and as such the same penalties for perjury apply as if you were giving testimony in court?

A. I do.

Q. Have you ever had your deposition taken before?

A. I have not.

Q. Okay. So I'm going to briefly go over some instructions just to make sure that this process

Page 9

Please wait for me to finish speaking before you start answering. That helps ensure a clear record and makes the court reporter's job a little bit easier. And I will try to extend you the same courtesy and not interrupt you when you're speaking.

Are you currently on any medications today or other drugs that might prevent you from answering questions to the best of your ability?

A. No.

Q. Nothing that would impact your memory?

A. No.

Q. Are you suffering from any physical or mental condition which could prevent you from answering questions?

A. No.

Q. Nothing that could impact your memory?

A. No.

Q. Did you review any materials, either documents or photographs, in preparation for your deposition today?

A. I did.

Q. And what were those?

A. Just my own personal journal notes as well as the documents that were sent to me.

Pages 6 to 9

Page 10

1 MR. LOUGHRY: Right. So I think you
2 should just talk whatever you reviewed and not any
3 interactions that you had with counsel because that's
4 privileged.
5 BY MR. MARSHALL-OTTO:
6 Q. I don't want any conversations that you
7 had with Mr. Loughry. I'm just interested in knowing
8 what documents you reviewed.
9 First, you mentioned some notes. Are
10 these handwritten notes?
11 A. **No, they're typed.**
12 Q. Typed notes?
13 A. **Um-hum.**
14 Q. Did you take them immediately after the
15 events that brought us here today?
16 A. **Some I did, some I did not. They're**
17 **all part of a journal. It's an app that I use that I**
18 **log not just the events that transpired between the**
19 **trooper and myself, but general notes.**
20 Q. And to your knowledge, were those
21 produced in this case?
22 A. **Were those produced in this case?**
23 Q. Right. To me.
24 A. **Were they delivered to you?**
25 Q. Right.

Page 11

1 A. **No. These -- from these notes that**
2 **described the events that have taken place, the whole**
3 **history behind this case, I sourced them in my**
4 **communications with Justin.**
5 MR. MARSHALL-OTTO: (REQUEST) I'm going
6 to make a request for those and we can talk about it
7 later.
8 MR. LOUGHRY: While I see some issues
9 here, I will say that my thought process is that I
10 probably have been provided the material and that
11 it's gone into the interrogatory answers, but too
12 much surmise there on my part to say that. So let me
13 say that I'll review whatever Mr. Martinez can
14 provide to me and as long as it's relevant to this
15 case and not, you know, matters that don't have
16 anything to do with it, and that might be an issue in
17 an app like that, I want to clarify that right now.
18 MR. MARSHALL-OTTO: Right. I don't
19 necessarily need all the data.
20 MR. LOUGHRY: Right. You're looking
21 for the data that has anything to do with the events
22 of this case.
23 Similarly, we had something from Mr.
24 Goldenberg the other day that we got from him --
25 MR. MARSHALL-OTTO: Yeah. Right.

Page 12

1 MR. LOUGHRY: -- at the beginning or
2 the end or the middle of the deposition, he produced
3 those typewritten notes.
4 So I'll see what's available and
5 certainly if it's relevant or could lead to the
6 discovery of admissible evidence, I think that's the
7 standard, then I'll make sure that you get it.
8 My impression is that you probably have
9 all the information right now.
10 MR. MARSHALL-OTTO: Right. Okay.
11 We'll deal with that.
12 BY MR. MARSHALL-OTTO:
13 Q. So beyond those notes that were taken
14 in an app, what's the name of that app, by the way,
15 just for my knowledge?
16 A. **Day One.**
17 Q. Other than the notes that were taken in
18 that Day One app, did you take any other notes
19 handwritten or computer-typed regarding the incident?
20 A. **Yes. Yes, I have some typewritten**
21 **notes that I prepared for my initial meeting with**
22 **Justin.**
23 MR. LOUGHRY: Yeah, I think those might
24 fall in the realm of privilege.
25 MR. MARSHALL-OTTO: Right. If they

Page 13

1 were prepared for the meeting with counsel, I'm not
2 interested in them.
3 BY MR. MARSHALL-OTTO:
4 Q. I'm going to put in a request for any
5 typed notes that he had regarding the incident. If
6 you can take a look at them and let me know if
7 they're privileged.
8 Understood?
9 A. **Now, these notes that I did produce as**
10 **well on my personal app were for the same purpose.**
11 Q. (REQUEST) Then you can have that
12 discussion with counsel. I'm putting in the request
13 for them and your counsel will assess whether they're
14 appropriate for disclosure to me.
15 MR. LOUGHRY: In other words, there may
16 be potential claims of privilege and then I'll have
17 an opportunity to review that.
18 MR. MARSHALL-OTTO: Or work product.
19 Okay.
20 BY MR. MARSHALL-OTTO:
21 Q. So beyond those various notes, what
22 else did you review in preparation for your
23 deposition today?
24 A. **I reviewed an audio of my**
25 **interrogat -- what is it called? Discussions with**

Pages 10 to 13

Joel Martinez

April 26, 2018

Page 14

1 Internal Affairs.
 2 Q. Okay. Your interview with State Police
 3 Internal Affairs?
 4 A. Correct.
 5 Q. Anything else?
 6 A. No.
 7 Q. Some background for the record.
 8 Can you state your full name?
 9 A. Joel Martinez, J-O-E-L. Last name,
 10 M-A-R-T-I-N-E-Z.
 11 Q. No middle name?
 12 A. No middle name.
 13 Q. Your date of birth?
 14 A. [REDACTED]
 15 Q. Where do you presently reside?
 16 A. In Princeton, New Jersey.
 17 Q. And your address?
 18 A. [REDACTED]
 19 Q. How long have you lived there now?
 20 A. How long have I lived there?
 21 Q. If you can give me the month and year
 22 that you moved there, that could help.
 23 A. Sure.
 24 Q. You can approximate.
 25 A. Let's call it June, 2013.

Page 15

1 MR. LOUGHRY: The record should reflect
 2 that we had a pause because Mr. Martinez was looking
 3 on his hand-held device, cell, whatever we call it
 4 now, iPhone cell phone, to see if he could find
 5 something that would jog his memory about the date.
 6 But that's why there was a pause. He was looking to
 7 give a precise figure. I don't know that he found
 8 it.
 9 THE WITNESS: I did. It was a picture
 10 of the apartment close or on the date that I moved
 11 in. And I can give you the exact date if you'd like.
 12 BY MR. MARSHALL-OTTO:
 13 Q. Around June of 2013 is fine. Thank
 14 you.
 15 Do you own or rent that?
 16 A. I rent the unit.
 17 Q. Rent it. Okay.
 18 And in April of 2013, where were you
 19 living?
 20 A. In April of 2013 I was rooming with a
 21 friend over at an apartment complex called Avalon.
 22 It's in West Windsor.
 23 Q. Avalon in West Windsor? Okay.
 24 And immediately after moving out of
 25 there, you moved into where you now reside, is that

Page 16

1 right?
 2 A. That is correct.
 3 Q. Approximately what date did you move
 4 into your friend's apartment in Avalon?
 5 A. Well, we both got the unit together.
 6 We both moved in together.
 7 Q. So you had a lease agreement together?
 8 A. We did. I can give you the date.
 9 Q. So would that have been around June of
 10 2012, a June-to-June kind of lease?
 11 A. I'll have to check my iPhone for the
 12 dates. This is too bad, I don't want to take a
 13 guess, but I was there for about a year.
 14 Q. About a year.
 15 Just so you understand, the purpose of
 16 this deposition is to probe your recollection and
 17 your memory. So for background questions like this,
 18 it's okay to check on your phone, but when it comes
 19 to really digging into the substance of this matter,
 20 I'm going to be asking you questions based on your
 21 memory. It's not going to be about what, you know,
 22 you can consult with, written documents like that.
 23 A. I was under the impression that I was
 24 supposed to give exact dates. Sorry.
 25 Q. Just to the best of your recollection.

Page 17

1 And I'm appreciative that you helped me out with
 2 that.
 3 Can you tell me a little bit about your
 4 educational background?
 5 A. Sure. I received my undergraduate
 6 degree from the University of California at Berkeley
 7 in 1995. I then went to Princeton University. I
 8 received my master's degree in 2000.
 9 Q. And what were your degrees in first
 10 from Berkeley, then from Princeton?
 11 A. In Princeton it was economic analysis
 12 of development. In Berkeley it was political economy
 13 of industrialized societies. Bachelor's then a
 14 masters.
 15 Q. Any further education?
 16 A. No.
 17 Q. Certificates?
 18 A. No.
 19 Q. Are you currently employed?
 20 A. I am.
 21 Q. Is that with BlackRock?
 22 A. That's correct.
 23 Q. How long have you been employed there?
 24 A. I've been there eight years.
 25 Q. Eight years?

Pages 14 to 17

Page 18

1 A. To this date.
 2 Q. To this date.
 3 So it would have been in 2010 that you
 4 began?
 5 A. Correct. April 26th.
 6 Q. April 26th, of 2010.
 7 And what position did you hold when you
 8 first started at BlackRock?
 9 A. Investment management associate focused
 10 on our offshore product range and dealing with our
 11 offshore international financial advisors at Merrill
 12 Lynch who are our clients.
 13 Q. And you no longer hold that position,
 14 right?
 15 A. My role is no longer investment
 16 management associate. I'm a relationship manager
 17 now.
 18 Q. And that's a promotion, right?
 19 A. It is.
 20 Q. How many promotions subsequent to the
 21 initial position you held in 2010 have you had?
 22 A. One major promotion.
 23 Q. Any minor promotions?
 24 A. Change in title. I went from
 25 investment management associate to offshore product

Page 19

1 specialist.
 2 Q. In what year?
 3 A. This was, let's call it 2013, 2014.
 4 Q. And then subsequent to that, when was
 5 the major promotion?
 6 A. Around the same time. It was -- that
 7 was a title promotion that went from investment
 8 management associate to vice president. So as an
 9 offshore product specialist, I was still considered
 10 an investment management associate.
 11 Q. Did you receive a promotion around
 12 2015, by any chance, or would that have been in that
 13 range?
 14 A. Yeah, it was around 2015 where I was
 15 given the vice president, to my recollection, title.
 16 Q. 2015 was the vice president title.
 17 And have you received any promotions
 18 subsequent to that?
 19 A. I have not. But at the beginning of
 20 this year, my group that was focused exclusively on
 21 the Merrill Lynch channel, merged into the wider
 22 wires, as we call it now, so I'm no longer referred
 23 to as an offshore product specialist, but as a
 24 relationship manager.
 25 Q. Understood.

Page 20

1 MR. LOUGHRY: Just interrupt for one
 2 moment. Can we go off the record?
 3 (Off-the-record discussion)
 4 MR. MARSHALL-OTTO: Back on the record.
 5 BY MR. MARSHALL-OTTO:
 6 Q. So at this time I want to dig in a
 7 little bit to the substance of the underlying
 8 lawsuit.
 9 Were you present on the grounds of the
 10 Lawrenceville School on April 26 of 2013?
 11 A. I was.
 12 Q. And about what time did you arrive
 13 there on that date?
 14 A. It was most definitely afternoon,
 15 between 1 and 3:30.
 16 Q. And what was the reason for your
 17 presence on the school grounds that day?
 18 A. I was going to catch a flight at
 19 Philadelphia Airport to San Diego where I was going to
 20 pick up my mother who was elderly and fly her back
 21 with me back to Philadelphia so she could stay with
 22 me in Princeton. So I went to the home, my home with
 23 Vicky, to pick up my luggage which I needed an extra
 24 piece to pack my things.
 25 Q. At this time, if you can remind me,

Page 21

1 were you still technically married to Vicky?
 2 A. I was.
 3 Q. But you no longer are, is that right?
 4 A. I no longer am.
 5 Q. On that date, did Vicky, your wife at
 6 the time, know that you were coming to the house?
 7 A. No, she did not.
 8 Q. She did not.
 9 Did your children know that you were
 10 coming to the house?
 11 A. They did not.
 12 Q. Were either your children or Vicky
 13 present there?
 14 A. They were not.
 15 Q. Was it common at that point in time for
 16 you to come to the house unannounced?
 17 A. Vicky preferred that it would be
 18 announced, but she had no problem with me coming over
 19 unannounced to visit the kids which I did often.
 20 Q. Understood.
 21 So would it be accurate to say that in
 22 the context of where your relationship was with
 23 Vicky, she would have preferred notice, but she
 24 understood that in your role as a father you were
 25 welcome there anytime essentially?

Pages 18 to 21

Page 22

1 A. That's correct.

2 Q. At some point while you were on the
3 Lawrenceville School Campus, did you confront New
4 Jersey State Trooper and volunteer baseball coach
5 Jose Rivera regarding a relationship that he had
6 previously had with your now ex-wife?

7 A. Yes, I did. I walked on to the
8 baseball field when I saw that it was Trooper Rivera
9 and wanted to get a good look to make sure it was
10 him. So I walked over to have a discussion.

11 Q. And I want to get this down because I
12 think it might help us with the timing issue, do you
13 recall about how long you had been on the
14 Lawrenceville School Campus before you saw Trooper
15 Rivera or who you believed to be Trooper Rivera?

16 A. Well, as I was driving on to the
17 campus, I saw a police cruiser which made me think
18 perhaps this is Trooper Rivera because I know that he
19 was a New Jersey State Trooper. I subsequently went
20 to the home. It did not take me long to get my
21 luggage. After I got my luggage, as I was leaving, I
22 parked in front of the trooper -- trooper's vehicle
23 to make sure that -- whether or not that was Trooper
24 Rivera on campus or not.

25 I saw from a distance a man in a police

Page 24

1 Q. How about in terms of time, if you were
2 to walk from the driveway to that area, a minute or
3 30 seconds?

4 A. If that. It's a short distance.

5 Q. At the time you parked there, and
6 correct me if I'm wrong, were you planning to
7 approach the baseball field or were you simply
8 looking to kind of drive by?

9 A. I was planning -- well, it's part of my
10 routine to leave the premises. My plan was to go to
11 the airport completely and absolutely. I saw the
12 vehicle, I wanted to see if that was, in fact,
13 Trooper Rivera.

14 When I did see that it was Trooper
15 Rivera, that's when I decided that it was, in my
16 estimation, given what my children had gone through,
17 given the psychological trauma that his actions with
18 my then spouse had caused on them, the last thing I
19 wanted was for them to go through a relapse. So it
20 was my intention to let the trooper know that it's
21 inappropriate for him to be so close to where my
22 children live and where they play after school. And
23 I know that because it was, you know, well after
24 noon, that it was getting closer to after school, and
25 I just would not want them to reopen -- to have old

Page 23

1 uniform and wanted to see if that was Trooper Rivera
2 or not.

3 Q. Why did you park in front of his
4 vehicle rather than elsewhere?

5 A. Because I was on my way out. We live
6 on a cul-de-sac and the way you get on the cul-de-sac
7 as you're going towards my residence, as long as you
8 keep going, you circle the cul-de-sac to exit in that
9 same direction. So because it was going to be a very
10 quick look, I just parked in front of the cruiser.

11 Q. How many feet away would you say your
12 original parking spot was from where you ended up
13 parked in front of the cruiser?

14 A. Well, my original parking spot was in
15 the driveway of the home. Then I got in and as I was
16 driving to leave campus, I parked in front of the
17 cruiser.

18 Does that answer your question?

19 Q. No. I'm looking for a distance.

20 So if you walked from where you ended
21 up in front of the cruiser back to the driveway where
22 the car was originally parked, how many steps or how
23 many feet approximately? Your best estimation.

24 A. Spatially? If I crossed the little
25 island in the cul-de-sac. 75 feet.

Page 25

1 wounds reopened from seeing the man that, you know,
2 they were afraid of and the man that they called the
3 H-Man. His name is Jose Rivera, so they phonetically
4 take the beginning of his name as an H as opposed to
5 a J. I was looking after their emotional welfare and
6 I just wanted to make sure that the trooper knew
7 that, because of my kids, it was inappropriate for
8 him to be there.

9 Q. So your children resented him?

10 A. Absolutely.

11 Q. And you resented him?

12 A. Well, resent is a strong word.

13 I was disappointed that given all that
14 had transpired and all that he had done in the past
15 that he was still so close to where my children were.
16 I was being, in my eyes, a good father protecting his
17 children.

18 Resent is a strong word.

19 Q. When you talk about protecting your
20 children, isn't it true that your children were not
21 present at the home when you went there that day?

22 A. That is true. It's also true that it
23 was getting close to after-school time. It's also
24 true that they were going to eventually come home and
25 I didn't know how long Trooper Rivera was going to be

Pages 22 to 25

Page 26

1 there. I was just trying to avoid an overlap where
2 they could cross paths.

3 Q. Can you tell me a little bit more about
4 the confrontation with Trooper Rivera?

5 Is it accurate to say that you
6 initiated that confrontation?

7 A. It is accurate.

8 Q. And you made the choice to approach him
9 at the baseball field, is that correct?

10 A. From a distance because there was a
11 fence that was separating us from a fairly wide
12 distance. So to approach from a distance, correct.

13 Q. So describe for me the approach that
14 you made from your car that you parked in front of
15 Trooper Rivera's car to where you began verbally
16 communicating to him, let's say?

17 A. Well, to describe the events, I would
18 say that as I started to walk towards the dugout and
19 I was on the outside of the dugout on the outside of
20 the field, I noticed at a distance that Trooper
21 Rivera was addressing some of the students in the
22 dugout, some of the student athletes. And from a
23 distance I saw that he could see me and I saw him get
24 on his cell phone. And oddly, Coach Eldridge
25 approached me, generally just to make small talk

Page 27

1 which I thought was a bit strange. We were always
2 polite to each other and friendly, but we had a very
3 short period of small talk. And after that small
4 talk, I continued to walk towards the dugout.

5 Q. And had you made any kind of verbal
6 communications toward Trooper Rivera by that point or
7 did that come after?

8 A. No, the first verbal communication came
9 when I arrived at the dugout. Again, I was on the
10 outside of the fence and he was at a fairly large
11 distance. That was the first interaction between
12 both of us, I initiated it. And I asked him what are
13 you doing here.

14 Q. How loudly?

15 A. Loud enough for him to hear me because,
16 again, we were at a distance and we were outdoors.

17 Q. Loud enough for everyone else around
18 the baseball field to hear?

19 A. Yes.

20 Q. And can you tell me what came next as
21 far as what you verbalized to him?

22 A. Sure. I asked him a very direct and
23 firm question, what are you doing here? And his
24 response to me was in a very evasive and dismissive
25 manner, I don't know what you're talking about. And

Page 28

1 I was disappointed that that was his answer because
2 he was most definitely aware of all of the incidents
3 that had transpired in the past between he and my
4 wife and him and my family and between both of us.
5 So I was very direct again and I answered, well, what
6 I'm talking about is you coming here to campus to
7 hurt families. I'm talking about you coming here to
8 campus to hurt children. I'm talking about you
9 coming here to campus after having hurt your wife of
10 20 years who was recovering from throat cancer.

11 And he became very quiet. He became
12 very quiet.

13 Q. Did you say anything else?

14 A. No. At that point Trooper Rivera
15 started walking towards me and he escorted me away
16 from the dugout, away from the student athletes, away
17 from the coaches. And we silently walked away
18 together towards the backstop of the diamond, away
19 from the field of vision of everyone else.

20 That was when I saw my then spouse,
21 Vicky Martinez, arriving in her vehicle and getting
22 out of her vehicle and approaching us. And we were
23 both, the trooper and I, in silence.

24 Q. And we'll get to that.

25 When you were expressing yourself to

Page 29

1 Trooper Rivera on the baseball field, can you give me
2 an estimate, rough estimate, as to how many student
3 athletes were around the field, on or around?

4 A. Maybe 15, 16 student athletes.

5 Q. So --

6 A. And the coaches.

7 Q. So you testified earlier that one of
8 the reasons, if not the main reason, for your
9 approaching Trooper Rivera was that you felt it was
10 inappropriate for him to be there considering the
11 exposure to your children that might occur and the
12 impact that might have.

13 Did you consider when you began to
14 verbalize your feelings toward him the impact that
15 might have on the children, the students who were on
16 the field at that time?

17 A. No, because again, it was a verbal
18 communication between the trooper and I because we
19 were at a distance I spoke loud enough for him to
20 hear and firmly. So I'm not sure how that would
21 impact the students, disrupt them.

22 Q. Do you not think that a loud verbal
23 communication regarding infidelity could negatively
24 impact a student?

25 A. I'm sure it could definitely disrupt

Pages 26 to 29

Page 30

1 the practice. I'm sure it was out of place. I'm
2 sure that between 15 and 20 student athletes, the
3 last thing that they're expecting is a dialogue
4 between two adults that have nothing to do with
5 baseball would be out of place.

6 Q. And, in fact, that dialogue was being
7 directed, or monologue initially, was being directed
8 at their coach?

9 A. I didn't know he was the coach.

10 Q. You didn't? When did you become aware
11 that he was the coach?

12 A. Later. I knew that he was associated
13 with the school. I know that he had played baseball
14 as a youth for the school, and I know that he had
15 access to the field house and the baseball equipment
16 in the field house including the batting cages, and a
17 relationship with the Associate Dean of Athletics, I
18 believe Michael Goldberg. And that's what I knew.

19 Q. Why did you think he had access to all
20 these various areas where baseball equipment was
21 stored and to individuals within the athletic
22 department if not for a coaching position?

23 A. Because I've never seen him coach
24 students. In that baseball diamond it was always --
25 I'm sorry, in that batting cage within the field

Page 31

1 house, it was always him and Alejandra his son.

2 Q. His son. Oh, okay.

3 And you used the word associated with
4 the school or the program, is that right?

5 A. Um-hum.

6 Q. So you knew him to have an association.

7 But nevertheless, you testified that
8 you didn't think he should be on school grounds, is
9 that right?

10 MR. LOUGHRY: Objection.

11 THE WITNESS: No.

12 MR. LOUGHRY: Objection just to form.

13 He can answer.

14 BY MR. MARSHALL-OTTO:

15 Q. Correct me.

16 A. Sure.

17 You're making it seem that it's -- that
18 he's not supposed to be there legally or as a private
19 citizen he had no right to be on campus. And I never
20 made that assertion. I've always said that it was
21 inappropriate for him to be there. He had every
22 single legal right to be there. Like I said earlier,
23 I graduated from Berkeley, I received my masters from
24 Princeton, I'm a pretty smart guy. Of course I
25 understand his legal rights. I would never make that

Page 32

1 claim.

2 Q. Well, and I understand what you're
3 saying, but I'm not really talking about legal rights
4 either.

5 What I'm talking about are his moral
6 rights, I guess. In spite of the fact that he had
7 had an affair, and I understand with your wife, there
8 was that difficulty. As someone who was an alumnus
9 of the school and who had a relationship with the
10 athletics department, how is it inappropriate or was
11 it inappropriate for him to be on the school grounds?

12 MR. LOUGHRY: I object to the form.

13 Go ahead. You can answer.

14 THE WITNESS: In no way was it
15 inappropriate for Trooper Rivera to be there on the
16 baseball diamond with the students. What was
17 inappropriate was the probability of him running into
18 my children who might be playing outside during a
19 period that was close to after school and my children
20 seeing him and reopening up wounds. I wanted to get
21 that across to him hoping that I could appeal to his
22 sensibilities and maybe have him think about that and
23 leave the baseball field. But in no way did I ever
24 challenge his -- or think that it was inappropriate
25 for him to be there.

Page 33

1 BY MR. MARSHALL-OTTO:

2 Q. Understood. Thank you.

3 Let's move on to what happened after
4 you and Trooper Rivera left the field and went
5 towards your cars.

6 A. Um-hum.

7 Q. How did it happen that the two of you
8 left the baseball field?

9 A. When I got to the point of my series of
10 questions, those three questions that I described
11 earlier, the last one being about his wife who was
12 recovering from throat cancer who he was unfaithful
13 to, I noticed that he became a little bit concerned
14 and started to walk over towards me and said come on,
15 walk with me. This was coming from a man in a
16 uniform. And, again, I'm a pretty bright guy, I'm
17 not dumb. I completely complied. And as we were
18 walking away, I said nothing else to him until Vicky
19 arrived on the scene.

20 Q. So from the baseball field to the cars,
21 essentially was it just a quiet walk?

22 A. Correct.

23 Q. Nothing was spoken?

24 A. Nothing was spoken.

25 Q. By either of you?

Pages 30 to 33

Page 34

1 A. By either of us.
 2 Q. Okay.
 3 A. There was something spoken between
 4 myself and Vicky as Vicky approached us when she
 5 arrived on the scene --
 6 Q. Between yourself and Vicky?
 7 A. -- as we were walking back towards the
 8 backstop and away from the dugout.
 9 Q. And can you tell me what was said
 10 between the two of you?
 11 A. Yes. Vicky, as she was walking towards
 12 us, I said -- I started speaking to her in Spanish.
 13 I said is this what you left us for? Is this what
 14 you hurt our marriage for? Was this what was worth
 15 it? And her reply to me was what are you doing here.
 16 You're not supposed to be here.
 17 And I was disappointed with that being
 18 her first words. And I said in disbelief, given all
 19 the pain that Trooper Rivera had caused our children,
 20 what am I supposed to be doing here? I live here. I
 21 live here. And I turned to Trooper Rivera and I said
 22 he's not supposed to be here. And Trooper Rivera
 23 looked at me, chest out, and he said I have every
 24 right to be here, I'm an alumnus of this school,
 25 which my understanding was that he never graduated.

Page 35

1 So I replied, I said no, you're not, you're a fraud,
 2 you're a failure. I know that you didn't graduate.
 3 I know that you didn't make it here academically.
 4 And I saw Trooper Rivera stunned. He said absolutely
 5 nothing to me. And me realizing that it was getting
 6 late and for me to have to hit the road to pick up my
 7 mom to fly out of Philadelphia Airport, I started
 8 walking towards my car because I was right next to my
 9 car. I was on my way out. And as I was walking
 10 towards the car, I hear "that's it" in a very strong
 11 angry tone. And the trooper proceeded to arrest me
 12 right on the hood of my car as I was leaving the
 13 scene. And he put the handcuffs on me very tight.
 14 It was very painful. It was very traumatic. And I
 15 was shocked that this was happening.
 16 Q. So when he arrested you, you were
 17 walking away?
 18 A. Correct.
 19 Q. So did he approach you from a distance
 20 or could you not see because --
 21 A. I could not see him as I was walking
 22 towards my car. I did not see him approach me.
 23 Q. So all you know is that you were
 24 walking away one moment and the next moment you were
 25 being placed against the hood, essentially?

Page 36

1 A. Correct.
 2 Q. And the cuffs were being placed around
 3 your wrists?
 4 A. Correct.
 5 Q. So I want to ask you, with respect to
 6 the arrest and the entire date April 26, 2013, did
 7 Trooper Rivera assault or cause you physical injury?
 8 A. Other than --
 9 Q. Or any injury, in fact?
 10 A. Other than placing the handcuffs
 11 excessively tight on me leaving marks, no.
 12 Q. Okay.
 13 A. We were at a distance, there was no
 14 room for that.
 15 (Exhibit is Martinez 1, photographs,
 16 marked for identification)
 17 BY MR. MARSHALL-OTTO:
 18 Q. So, Mr. Martinez, you're now looking at
 19 what's been marked as Martinez 1. And for the
 20 record, these documents are Bates labeled P-36
 21 through P-40.
 22 And what we're looking at is five color
 23 photographs.
 24 Can you describe what these are for me?
 25 A. Yes. These are the markings left from

Page 37

1 the handcuffs that Trooper Rivera placed on me which
 2 I had in anguish and out loud asked him to loosen,
 3 they were too strong and they were hurting me. And
 4 he scoffed that they're not supposed to feel good.
 5 And when I was released from the detention center and
 6 given my phone back, I took pictures in the holding
 7 cell of these markings. And when I returned home, in
 8 the bathroom I took some more shots of the markings
 9 left by the handcuffs.
 10 Q. So it would be correct to characterize
 11 what we're looking at here are the injuries caused by
 12 the handcuffs, is that correct?
 13 A. That's correct.
 14 Q. And specifically it would be the
 15 redness that we're looking at that reflects those
 16 injuries, correct?
 17 A. After the time I had spent in the
 18 holding cell and after I was released and returned my
 19 phone, yes. These were not as soon as I arrived in
 20 the holding cell and moments after the handcuffs were
 21 taken off. This was a while after the handcuffs were
 22 taken off.
 23 Q. About how many hours? Your best
 24 estimate.
 25 A. Less than two.

Pages 34 to 37

Page 38

1 Q. Less than two.
 2 Were the marks worse immediately after
 3 the cuffs were taken off?
 4 A. Yes, they were.
 5 Q. So they resolved quickly?
 6 A. They were not -- I mean they were more
 7 noticeable as soon as the cuffs were taken off. This
 8 is less than two hours later when I was released.
 9 Q. Do you, today, bear any signs of those
 10 cuff marks?
 11 A. I do not.
 12 Q. And how long did it take for that to
 13 completely resolve?
 14 A. I do not recall. Days perhaps.
 15 Q. Days perhaps.
 16 Did you see a doctor about it?
 17 A. I did not.
 18 Q. You did not.
 19 How long did you feel pain from it, if
 20 at all?
 21 A. By the next day I did not feel any
 22 pain.
 23 Q. Did you take any Advil or Tylenol or
 24 anything?
 25 A. Perhaps.

Page 39

1 Q. Do you recall if it helped?
 2 A. I do not recall.
 3 (Exhibit Martinez 2, Responses and
 4 Objections of Plaintiff Joel Martinez to defendants'
 5 Notice to Produce Documents, is marked for
 6 identification)
 7 BY MR. MARSHALL-OTTO:
 8 Q. Mr. Martinez, I've handed you what has
 9 been marked as Martinez 2 which is entitled:
 10 Responses and Objections of Plaintiff Joel Martinez
 11 to Defendants' Notice to Produce Documents.
 12 I'm just going to ask you very quickly
 13 with as much time as you need to flip through this
 14 document and take a look at these responses and
 15 objections.
 16 Do you recall, and answer this question
 17 when you're ready, do you recall having taken a look
 18 at these?
 19 MR. LOUGHRY: Taken a look at them
 20 when?
 21 BY MR. MARSHALL-OTTO:
 22 Q. At the time they were propounded on
 23 your counsel, did he ask you to take a look at these
 24 when --
 25 MR. LOUGHRY: Now I object on the terms

Page 40

1 of work product and attorney-client privilege. I can
 2 see that my signature appears on the last page.
 3 MR. MARSHALL-OTTO: Your signature does
 4 appear there, yes.
 5 MR. LOUGHRY: But I don't think any
 6 dialogue between Mr. Martinez and counsel is -- I
 7 don't think that's fairly discoverable.
 8 MR. MARSHALL-OTTO: No, I think you're
 9 right.
 10 MR. LOUGHRY: The interrogatories are
 11 something different.
 12 MR. MARSHALL-OTTO: Yes.
 13 MR. LOUGHRY: They have to be verified.
 14 BY MR. MARSHALL-OTTO:
 15 Q. What I'm trying to get at, and I'll try
 16 to do it in a more artful way, is your efforts at
 17 producing or locating the documents that are sought
 18 through these document requests. So if you could
 19 take a quick look through these requests and tell me
 20 whether you engaged in efforts to retrieve any of the
 21 documents in these categories?
 22 A. I made ever effort to retrieve the
 23 documents that Justin and his paralegal, Pat?
 24 MR. LOUGHRY: Patricia Good.
 25 THE WITNESS: Patricia, had requested

Page 41

1 of me. I have been very responsive and thorough in
 2 retrieving that information.
 3 BY MR. MARSHALL-OTTO:
 4 Q. Fine. You can put that aside. Thank
 5 you.
 6 (Exhibit Martinez 3, Responses and
 7 Objections to Interrogatories, is marked for
 8 identification)
 9 BY MR. MARSHALL-OTTO:
 10 Q. Mr. Martinez, I've handed you what has
 11 been marked as Martinez 3 which is entitled:
 12 Responses and Objections to Interrogatories.
 13 Would you take a look through this
 14 document and let me know when you're done?
 15 A. Sure.
 16 Q. Specifically when you've arrived at the
 17 last page.
 18 A. I have arrived at the last page.
 19 Q. Is that your signature that appears on
 20 the last page?
 21 A. Yes, it is.
 22 Q. And did you review these interrogatory
 23 responses before you signed?
 24 A. Yes, I did. These, I believe, were
 25 mailed to me.

Pages 38 to 41

Page 42

1 Q. So everything in here is true to the
2 best of your knowledge, is that right?

3 A. That's correct.

4 Q. I've got a quick question for you. Not
5 a lot on this, but one question.

6 I want to bring your attention to
7 interrogatory number three and your response thereto.

8 A. Yes.

9 Q. Give it a quick read-through and when
10 you're done, I want to bring your attention to the
11 fourth paragraph.

12 MR. LOUGHRY: They're not numbered
13 paragraphs, just counting down.

14 MR. MARSHALL-OTTO: Not numbered.

15 THE WITNESS: Okay.

16 BY MR. MARSHALL-OTTO:

17 Q. Specifically I want to bring your
18 attention to two lines that state: After the affair
19 was exposed, Trooper Rivera threatened my family. My
20 wife and children were frightened by his threats.

21 A. Correct.

22 Q. I believe you did testify with respect
23 to these threats that were made against your family.

24 A. Correct.

25 Q. Can you describe the nature of those

Page 44

1 he called the house number. I picked up and I told
2 Trooper Rivera to stop texting, to stop talking, to
3 leave my wife alone, to give us the opportunity to
4 heal, to give us the opportunity to find out what's
5 wrong, that we have a family. And I said that he had
6 no honor, that what he did to hurt my kids and my
7 marriage, he had no code. And he became angry and he
8 said that, you know, then I guess I'm going to have
9 to come over there and do what I have to do to you.
10 And Vicky was on the other phone, she was listening
11 to this conversation. That was the first threat.

12 The second threat came when Vicky had
13 disclosed to me that she had -- she had unprotected
14 sex with the trooper. They had both lied to -- Vicky
15 lied to me, the trooper, according to Vicky's words,
16 gave his wife, Raquel Rivera, something called the
17 trooper's promise that there was no sex in the
18 relationship. And when I informed Raquel, because I
19 felt that it was my moral obligation to take care of
20 her given that she has children, for her to get
21 checked, I received a call from Vicky when I was
22 driving, I was in my car away from the home. And
23 Vicky calls me very concerned and very -- in an
24 altered state telling me that Trooper Rivera had
25 called her, was furious about the conversation that

Page 43

1 threats?

2 A. Sure. When the affair was exposed late
3 in 2011, I would say December, there was a lot of
4 back and forth between Trooper Rivera and Vicky. The
5 person who disclosed the affair to me was Trooper
6 Rivera's wife, Raquel Rivera. She came knocking on
7 my door late one night. I forget what time it was,
8 it was very late, I was fast asleep. And she told me
9 that Vicky and Trooper Rivera were involved and that
10 they were planning on leaving us and starting a new
11 family together.

12 Shortly after that, Raquel had kicked
13 out of the home Trooper Rivera. Rivera -- Trooper
14 Rivera then ended up being with or living at, I
15 believe, a cousin's house. And I get this
16 information from Vicky who told me that he was
17 staying at a cousin's house. And during this period,
18 Vicky and the trooper were in constant, incessant
19 communications, texts. And I was very much
20 disappointed in Vicky. I had never in a million
21 years thought that she would do something like that,
22 have an affair and hurt our family in the way that it
23 did. But I was -- I was also shocked that she and
24 Trooper Rivera were texting incessantly.

25 And one day Trooper Rivera called her,

Page 45

1 had transpired between Raquel and myself, and
2 threatened her and my family by saying don't ever
3 call my house again. If you ever call me or my wife
4 again, I will crush you, I will crush your careers.
5 I am a New Jersey State Trooper. Upon which Vicky,
6 afraid, told me please come home, I'm very scared.
7 That was another threat.

8 And another really scary incident was
9 when Trooper Rivera, his wife took him back, there
10 were texts going back and forth between Vicky and
11 Trooper Rivera. And within these texts I saw on
12 Vicky's phone that Trooper Rivera had written, you
13 know, you're so -- something to the extent of I can't
14 believe you told your husband what we shared. You
15 know you're so vindictive. And why don't you, these
16 were Trooper Rivera's words, not mine, why don't you
17 fuck off.

18 There was ample personal animus that
19 the trooper had towards me and towards my wife and my
20 children and all of the drama were over hearing
21 everything that was going on. It was a very chaotic
22 moment.

23 Another point that I'd like to
24 highlight is, again, when I'm asking Trooper Rivera
25 to, you know -- whenever I would hear Vicky and

Pages 42 to 45

Page 46

1 Trooper Rivera speaking on the phone, separate
 2 incident, Vicky had locked herself into a room to
 3 speak to Trooper Rivera, and I would say please let
 4 us heal, please let us heal. And I could clearly
 5 hear him in a very loud voice egging Vicky on,
 6 telling her to kick his ass out, just kick his ass
 7 out, you're so close, you're so close, just kick his
 8 ass out.

9 His comportment was very aggressive.
 10 It was scary given his threats, given his position of
 11 power. And it was a very difficult moment for us and
 12 it still is.

13 Q. With respect to the threats that
 14 occurred over telephone, do you have recordings of
 15 any of those?

16 A. I do not, but Vicky was on those calls.

17 Q. Do you know if she made recordings of
 18 them?

19 A. I do not know.

20 Q. And the text messages, I guess the
 21 answer is probably the same, they went to her phone?

22 A. Yes. If you subpoena them, you will
 23 see them.

24 Q. Did she ever give you copies of them?

25 A. No, I did see them.

Page 48

1 with the name Denise Marrin, a secretary in my law
 2 office at the top. And the only reason I'm making
 3 this comment is because certain questions that
 4 counsel asked a few minutes ago before we went off
 5 the record were about texts between Vicky Martinez --
 6 or maybe more than Vicky Martinez, whether Mr.
 7 Martinez had those. And the answer was no, and from
 8 what I understand appropriately. But it's triggered
 9 some concern because in his phone he had to save what
 10 he'll probably explain here, but what I understand to
 11 be an exchange not with Vicky or Jose Rivera, but
 12 actually between himself and Raquel Rivera. So
 13 that's on his phone where he saved it. Now, the only
 14 reason I'm saying all this is because I was trying to
 15 figure out a way that we could generate -- it's not a
 16 document we've produced before. I was trying to
 17 figure out a way we could generate this quickly to
 18 give it to counsel so he would have it as soon as I
 19 learned about it. And the only way we could come up
 20 with was to have it forwarded to my -- by Mr.
 21 Martinez from his email port to my email port. That
 22 could look like an attorney-client communication. It
 23 was not intended to be that way. This was a
 24 technological resort that we chose in order so I
 25 could get something that I could give over to Mr.

Page 47

1 Q. You saw them visually?

2 A. Um-hum. Yes.

3 Q. A couple more exhibits and then I think
 4 we'll be done.

5 You can put aside those answers to
 6 interrogatories.

7 (Exhibit Martinez 4, Certification As
 8 To Accuracy And Completeness Of Records Provided, is
 9 marked for identification)

10 (Exhibit Martinez 5, email
 11 transcription of text messages between Raquel Rivera
 12 and Joel Martinez, is marked for identification)
 13 BY MR. MARSHALL-OTTO:

14 Q. We're going to get back to what was
 15 marked Exhibit 4, but we'll talk about Exhibit 5
 16 first.

17 Here is a copy in front of you here.

18 Mr. Martinez, just for the record, I
 19 was just handed a few minutes ago a document that's
 20 now been marked Martinez 5. It appears to be an
 21 email transcription of text messages between Raquel
 22 Rivera and Joel Martinez, is that correct?

23 A. That is correct.

24 MR. LOUGHRY: Can I just note for the
 25 record before you go on, this appears on an email

Page 49

1 Marshall-Otto, to counsel.

2 So I don't want this to stand ever for
 3 any kind of a waiver of attorney-client privilege
 4 just because opposing counsel now has an email that
 5 says Joel Martinez to Justin Loughry. That's not
 6 what we intended here. It's simply technological
 7 feasibility or convenience to give him the material.
 8 We're going to try to retrieve the
 9 original of this which apparently has some Spanish in
 10 it that's been translated. We'll try to get that to
 11 Mr. Marshall-Otto as well. I don't have the ability
 12 to do that today. It's on some device that's not
 13 here.

14 MR. MARSHALL-OTTO: Fair enough.

15 MR. LOUGHRY: But I just want to make
 16 that clear.

17 You agree with me that there has been
 18 no waiver of attorney-client privilege here?

19 MR. MARSHALL-OTTO: Right. We won't
 20 construe this as a waiver of the attorney-client
 21 privilege. No chance.

22 MR. LOUGHRY: Thank you.

23 MR. MARSHALL-OTTO: Okay.

24 BY MR. MARSHALL-OTTO:

25 Q. So I'm looking at this document marked

Pages 46 to 49

Page 50

1 as Martinez 5. And it begins with -- strike that.
 2 A couple background questions.
 3 This text message exchange, J.M., that
 4 stands for Joel Martinez, is that correct?
 5 A. That's correct.
 6 Q. And RR is Raquel Rivera, is that
 7 correct?
 8 A. Correct.
 9 Q. So it appears this exchange is from
 10 December 29th of 2011, is that correct?
 11 A. That is correct.
 12 Q. Was this around the time when the
 13 relationship between Jose Rivera and Vicky Martinez
 14 was uncovered?
 15 A. Yes, it was around that time.
 16 Q. Do you have any idea of how many days
 17 or weeks or months after you found out about it this
 18 was?
 19 A. Let's put it this way, on Christmas
 20 Eve, Vicky and Jose Rivera had spent it together.
 21 And Jose was not at his home. He was kicked out by
 22 Raquel Rivera. So to put that -- that was Christmas
 23 Eve. By the 29th, which I labeled these texts when
 24 these texts from Raquel and myself were exchanged,
 25 she had brought Jose back to the home.

Page 51

1 Q. Do you recall, though, what date you
 2 found out about the relationship, what date it was
 3 where in the middle of the night Raquel Rivera came
 4 to your house and said that Jose and Vicky were
 5 having an affair?
 6 A. It was in December of 2011.
 7 Q. So it was that same month at some
 8 point.
 9 And then around Christmas, from what I
 10 understand --
 11 A. Correct.
 12 Q. -- both Vicky and Jose had left their
 13 respective homes and spent it together elsewhere
 14 or --
 15 A. No. Jose had not left his home. He
 16 was kicked out of his home by Raquel Rivera. And
 17 Vicky was spending the nights with Jose during this
 18 time frame. She had expressed to me that they were
 19 spending the night together at a relative or a cousin
 20 of Jose who has -- in any case, in some building
 21 where he was sleeping on a sofa. That was the
 22 explanation that was given to me by Vicky.
 23 Then afterwards Raquel had taken Jose
 24 back into the marriage. And do I have to explain the
 25 part about why I reached out to Raquel?

Page 52

1 MR. LOUGHRY: You should respond to the
 2 questions that are asked, if you're asked about it.
 3 BY MR. MARSHALL-OTTO:
 4 Q. I'm going to ask about that shortly.
 5 So I want to talk about the text
 6 messages.
 7 So the first message says: I need to
 8 share something very painful and serious with you
 9 that is vitally important and that came out during
 10 our counseling session.
 11 It's in the interest of our children
 12 that we speak briefly. Text me and I will call you
 13 again.
 14 Have I read that correctly?
 15 A. That is correct.
 16 Q. And what was it that you wanted to
 17 speak with her about?
 18 A. This is very difficult and very
 19 personal.
 20 Vicky had promised me that there had
 21 not been any unprotected sex, any sex for that
 22 matter, between Jose and herself, that it was
 23 emotional. And she had told me that Jose had told
 24 Raquel the same thing. And again having issued a
 25 trooper's promise that nothing had -- sexual had

Page 53

1 transpired.
 2 Then around December 29th, maybe that
 3 day or earlier, I felt urination when I was peeing.
 4 And I thought it was odd. And I told Vicky, I said
 5 this is weird, it burns when I'm peeing. She said
 6 it's in your head. I don't know why you're feeling
 7 that. And it was -- it didn't go away.
 8 And she had a conversation with me, she
 9 took me to the bottom of the stairs and she
 10 immediately started to tear up and she said I have
 11 something to tell you. I lied that there was nothing
 12 sexual between Jose and myself and we actually
 13 engaged in unprotected sex. And I agreed because
 14 Raquel and Jose -- Raquel -- either Raquel had Jose
 15 get a vasectomy and she couldn't get pregnant and she
 16 thought it was okay.
 17 So it was very painful for me. Vicky
 18 promised that she would get it fixed and she was able
 19 to see her physician and get a prescription of
 20 antibiotics which we both later took. But during
 21 that frame it was -- I never cheated on Vicky ever in
 22 our 13 years of marriage and here I am with a
 23 venereal disease. Burning, can't pee. And I thought
 24 what else is this guy -- Vicky tells me that Jose had
 25 given his trooper promise that nothing had -- sexual

Pages 50 to 53

Page 54

1 had transpired, that Raquel might be in danger. And
2 Raquel needs to know and she needs to get tested.

3 Q. Okay.

4 A. So I texted her and I needed to speak
5 to her about something that I thought was between
6 life and death that she absolutely needed to get
7 checked. And it was after this communication that I
8 received the phone call from Vicky telling me that
9 Trooper Rivera, in anger, had called her and
10 threatened her and intimidated her, saying if you or
11 your husband ever call me or my wife again, I will
12 smash you, I will smash your careers. I am a New
13 Jersey State Trooper. Vicky called me to tell me
14 this and that she was afraid and begged me to come
15 home because I was driving away from the house that
16 day.

17 Q. I want to bring your attention to the
18 fifth text in this exchange which is a text from
19 Raquel Rivera. And the translation says: Vicky
20 contacted me last night via text. Supposedly because
21 you obligated her to. According to what she later
22 told Jose. She said that you obligated her and that
23 accidentally the girl erased it. Are you aware of
24 this?

25 I'm a little bit confused as to what

Page 56

1 erased what?

2 A. I think not the entire text that Vicky
3 had intended to send was texted. A portion of it had
4 been deleted by my daughter, I believe. I don't know
5 if it's the youngest one or the middle one.

6 Q. Is it possible that when it says the
7 girl here, that in Spanish that might make more sense
8 as to who was being referred to?

9 A. My daughter, one of my daughters. So
10 this is showing you the communication between myself
11 and Raquel, between Vicky and Raquel, which sparked
12 Jose's physical threats and intimidation phone call
13 to Vicky.

14 Q. This exchange and the events that
15 underlie it clearly were emotionally troubling to
16 you, is that right?

17 A. Of course.

18 Q. And still are, right?

19 A. Someone's life was at risk. No, they
20 longer are. You're just making me relive it right
21 now.

22 Q. Understood.

23 You described feelings of fear, is that
24 right?

25 A. That's correct.

Page 55

1 she's saying here. Are you aware of what she's
2 getting across?

3 A. Yes.

4 Q. Can you explain it to me?

5 A. That was a separate communication
6 between Vicky and Raquel, separate from the one
7 you're looking at now which was between myself and
8 Raquel.

9 The email exchange between Vicky and
10 Raquel was that Vicky felt very disappointed that
11 when Jose returned to his wife, that Vicky was
12 painted as the sole bad person in the relationship.
13 In fact, Raquel had told me that it was a hundred
14 percent Vicky's fault when she came to visit me that
15 night. I remember telling Vicky, I guess -- or
16 Raquel that night, doesn't it take two to Tango?
17 Weren't both willing participants? And she said yes,
18 you're right. So Vicky had sent a text message to
19 Raquel to explain everything that had happened so
20 that Raquel would be aware that it was not just
21 Vicky's fault. This part about me obligating her to
22 and the girl had accidentally erased it, that's a
23 fabrication. That was -- if I had to speculate, that
24 was something that Jose had told Raquel.

25 Q. Do you know what she's trying to say,

Page 57

1 Q. How about anger?

2 A. No anger. No anger.

3 Q. How about disgust?

4 A. Disgust towards Vicky, disgust towards
5 him, disgust towards --

6 Q. Towards Jose, Trooper Rivera, right?

7 A. It was blatant -- I don't know if the
8 proper term is moral turpitude.

9 Q. This is a man that --

10 MR. LOUGHRY: Let him finish his
11 answer.

12 THE WITNESS: For me to know that he
13 knew that I have three very young children, was in a
14 long-term relationship, that he was in a 20-year
15 relationship with two young children of his own with
16 his wife after 20 years, and was suffering and just
17 recovering from throat cancer, for him to do what he
18 did, it disgusted me.

19 BY MR. MARSHALL-OTTO:

20 Q. Because this man took your wife from
21 you and took your family from you, is that right?

22 A. This man hurt my children. This man --
23 to this day my children still talk about the H-Man.
24 That's the whole point of me having approached the
25 trooper on that baseball field that day, to say

Pages 54 to 57

Page 58

1 listen, please don't be here. You're hurting my
 2 kids. And his initial response was, what are you
 3 talking about in such a dismissive and evasive way.
 4 There was just no consideration for what my family
 5 and my kids had gone through. It was sadness.
 6 Q. Is this lawsuit about what he did to
 7 you and your family?
 8 A. No. This lawsuit is one hundred
 9 percent to clear up a blatant wrong from a man who
 10 supposedly has the public trust in his power and
 11 abused that public trust to win an argument, to exact
 12 a grudge because he might have felt slighted that I
 13 said that he was a fraud and a failure, to protect
 14 his ego, to act out on his previous threats.
 15 Whatever the case may be, he arrested me and
 16 fabricated charges against me. And I'm someone who
 17 is very educated and I'm someone who has ample
 18 resources and I'm someone who is very intelligent,
 19 I'm someone who can defend myself. So if he went and
 20 felt brash enough to fabricate and to arrest an
 21 innocent person and cause slander against a pillar of
 22 the community, then what must he be doing when the
 23 kid in Trenton or the kid in Camden slights him who
 24 has nothing, no resources, no intelligence? That
 25 type of abuse can't go unchecked.

Page 60

1 correct?
 2 A. There were two people. Lieutenant
 3 Vargas and another sergeant.
 4 Q. Do you recall, prior to the phone calls
 5 you got from Lieutenant Vargas, an individual who I
 6 will represent to you is Lieutenant Smith but who you
 7 may not remember the name of, calling you to get
 8 preliminary information about the complaint you had
 9 filed?
 10 A. By preliminary information, what
 11 information are you talking about? Maybe that could
 12 jog my memory.
 13 Q. So I'll represent to you that my
 14 understanding is that when you were at the station
 15 you made a complaint about what had happened to you?
 16 A. That's correct.
 17 Q. Subsequently an investigation was
 18 opened and --
 19 A. That very same day.
 20 Q. Right. Right.
 21 A. That gentleman took out a piece of
 22 paper and wrote things down.
 23 Q. Right. So thereafter, the State Police
 24 began an investigation and continued it.
 25 Do you recall getting a phone call by

Page 59

1 Do you understand?
 2 Q. Do you recall receiving a call prior to
 3 the later recorded interview you had with the State
 4 Police from a Lieutenant Smith on or around June 4th
 5 of 2013 regarding the incident in question?
 6 A. Can you restate that?
 7 Q. Sure.
 8 Do you recall receiving a call from a
 9 Lieutenant Smith on June 4th of 2013 regarding the
 10 incident in question?
 11 A. On June 4th, 2013, a phone call from
 12 Lieutenant Smith. I do not recall.
 13 Q. Do you recall receiving any phone calls
 14 from individuals with the State Police trying to get
 15 information regarding the complaint that you filed
 16 with respect to the events underlying this suit?
 17 A. Yes. There was a Lieutenant Vargas
 18 that reached out to me and I believe he's with the
 19 Internal Affairs Division. He wanted to take my
 20 testimony. He wanted me to come into the office in
 21 Princeton and take my statement and ask questions. I
 22 believe that occurred about a year after the
 23 incident.
 24 Q. So Lieutenant Vargas took your
 25 statement ultimately, performed an interview of you,

Page 61

1 an individual whose name you may not recall saying
 2 I'm trying to get information about this complaint
 3 that you filed, what is the reason for your
 4 complaint?
 5 A. It could have happened. I don't
 6 recall.
 7 Q. Do you recall telling anyone over the
 8 phone in response to a question about the nature of
 9 your complaint, quote, my complaint is that Trooper
 10 Rivera is having an affair with my wife, Vicky?
 11 A. No. That's preposterous.
 12 Q. Okay.
 13 A. And if I did disclose that type of
 14 information, it would have been to stipulate and to
 15 prove that the arrest was not happenchance, it wasn't
 16 random, it wasn't as portrayed on the trooper's
 17 narrative which showed me as some lunatic coming out
 18 of left field to, for some reason, question a
 19 trooper's authority. It was to set the context that
 20 the arrest was biased, that prejudice had existed,
 21 that there was nothing objective about it. If I said
 22 that. I don't remember -- I don't remember saying
 23 that. That was -- what you just read is what I
 24 recall now saying to Michael Goldenberg when Trooper
 25 Rivera had slapped the handcuffs on me. I was in

Pages 58 to 61

Page 62

1 such a state of disbelief that for that purpose that
2 I stipulated a couple of seconds ago, to prove this
3 is wrong, this is biased. There is prior animus here
4 and this is it.

5 Q. Wasn't the animus from you towards
6 Trooper Rivera?

7 A. No.

8 Q. Isn't that why you approached the field
9 in the first place?

10 A. Absolutely not.

11 I have been crystal clear explaining to
12 you why I approached the field. It was one hundred
13 to protect my children. It was one hundred percent
14 to not have them cross paths. I had not seen him in
15 years since the event. If I had been angry at him or
16 had any sort of ill feelings, I would have maybe
17 taken action, I don't know. Something, don't you
18 think, would have transpired since then? I just
19 wanted to work on healing the family. That's where
20 my focus was on. No hate. If anything...

21 Q. Okay.

22 Very briefly for the record, I'm going
23 to introduce a number of tax returns. I'm just going
24 to ask you essentially to identify them and confirm
25 one piece of information on them.

Page 64

1 MR. LOUGHRY: Just like if you gave me
2 SOPs, personnel records from Mr. Rivera, you know,
3 they're under the protective order.

4 MR. MARSHALL-OTTO: Yes. We agree. So
5 just to be safe, why don't we just have none of the
6 exhibits attached to the transcript and we'll deal
7 with that later.

8 MR. LOUGHRY: And I think in that
9 sense, since you're going to go into these things,
10 that portion of the transcript should be sealed. We
11 talked about this with Trooper Rivera as well. For
12 now maybe we should just consider the whole
13 transcript, unless you want to segment out part of
14 it, I think that's what we did with Trooper Rivera.

15 MR. MARSHALL-OTTO: Yeah. That's fine.
16 (Exhibit Martinez 6, 2012 tax returns,
17 is marked for identification)

18 BY MR. MARSHALL-OTTO:

19 Q. So these are tax returns from 2012 that
20 I've marked as Martinez 6. These appear to be tax
21 returns for Joel Martinez and Vicky Martinez?

22 A. That's correct.

23 Q. These are correctly identified?

24 A. Yes.

25 Q. It looks like these were prepared by an

Page 63

1 A. Yes.

2 MR. LOUGHRY: Can I just ask if you're
3 going to put these in the record, I think we probably
4 tried to block out personal identifiers, but I wonder
5 if --

6 MR. MARSHALL-OTTO: They don't need to
7 be attached to the transcript.

8 MR. LOUGHRY: I don't want them to
9 circulate. There are a lot of personal identifiers
10 there.

11 MR. MARSHALL-OTTO: That's fine with
12 me. Why don't we say starting at Exhibit 6, nothing
13 will be attached to the transcript because after that
14 I'm going to -- oh, we can probably say for Exhibit
15 4, too. These are his mental health records. So we
16 should say that for Exhibit 4.

17 MR. LOUGHRY: Right.

18 MR. MARSHALL-OTTO: We can just not do
19 any attachments --

20 MR. LOUGHRY: I think we have a
21 protective order for confidential information and I
22 believe you and I discussed this, counsel, that
23 financial information or health information has to be
24 considered.

25 MR. MARSHALL-OTTO: Yes.

Page 65

1 Orlando E. Silva at Ideal Associates in Union City,
2 is that right?

3 A. That is correct.

4 Q. Is that your accounting firm that you
5 use?

6 A. That I used years ago.

7 Q. Okay.

8 A. I believe I stopped using them in two
9 thousand -- you'll see the last one there.

10 Q. I just want to go to one number and
11 it's on page P-105 of the marking. Line 18, enter
12 your earned income, 107,782 dollars, is that correct?

13 A. 107,782 is correct.

14 Q. Thank you. Very good.

15 A. I mean are you asking me to identify
16 that number or is the calculation correct?

17 Q. Is that correct as the earned income to
18 the best of your knowledge for 2012?

19 A. I trust my accountant if that is what
20 he came up with and my answer is yes, I did not do
21 the math or did not double check his work.

22 Q. You didn't review it before you filed
23 it?

24 A. I gave him all of my information, my
25 W-2 forms and we worked in conjunction with it and it

Pages 62 to 65

Page 66

1 seemed very fair and accurate.
 2 Q. Okay. Fair enough.
 3 Is that number 107 thousand 782 dollars
 4 your gross income in 2012, to the best of your
 5 knowledge, or does that approximate your gross income
 6 in 2012?
 7 (Off-the-record discussion)
 8 BY MR. MARSHALL-OTTO:
 9 Q. So we're looking at, just to get us
 10 back on track, we're looking at line 18 on page 105
 11 of the 2012 tax returns.
 12 And when I say P-105, I'm referring to
 13 the Bates label not the tax return page, per se. And
 14 just for clarity of the record, can you confirm that
 15 line 18, your earned income states that you earned
 16 107 thousand 782 dollars in 2012?
 17 A. That sounds right. I also forwarded
 18 you my W-2s. That would give you the exact dollar
 19 amount. I would prefer you to use that, but yes,
 20 this seems right.
 21 Q. I'm going to put in front of you what
 22 was previously marked as Exhibit 3, interrogatories,
 23 and in answer to interrogatory number 15 --
 24 A. These match up.
 25 Q. And that's going to be my question, do

Page 68

1 for Joel and Vicky Martinez for the year 2014.
 2 Does that appear to be correct?
 3 A. It does.
 4 Q. I'm going to ask you to take a look at
 5 P-158?
 6 A. Line 18?
 7 Q. Line 18, correct.
 8 Can you read the earned income number
 9 there?
 10 A. 137 thousand 634 dollars.
 11 Q. I'm handing you again what's been
 12 marked Exhibit 3 which is your answers to
 13 interrogatories and can you tell me if --
 14 A. They match up.
 15 Q. -- 2014 matches up with line 18 on your
 16 2014 tax returns?
 17 A. Correct.
 18 Q. Okay. You can put that aside.
 19 (Exhibit Martinez 9, Schedule A Form
 20 1040 tax return for Joel Martinez, is marked for
 21 identification)
 22 BY MR. MARSHALL-OTTO:
 23 Q. I'm handing you what has been marked as
 24 Martinez 9. I'm going to ask you to look at P-58.
 25 Can you confirm for me that this

Page 67

1 those match up?
 2 A. Yes, they do.
 3 Q. Great. You can put that document
 4 aside.
 5 (Exhibit Martinez 7, 2013 tax return,
 6 is marked for identification)
 7 BY MR. MARSHALL-OTTO:
 8 Q. I'm handing you Exhibit 7 and these are
 9 2013 returns and I'm going to ask that you go to
 10 P-126 and again look at line 18.
 11 A. 126.
 12 Q. And that was going to be my question.
 13 So the sum of 120 thousand 661 dollars is the earned
 14 income indicated in your 2013 tax return, correct?
 15 A. That's correct.
 16 Q. And now I'm going to ask you to tell me
 17 if that matches up with what you indicated on your --
 18 A. That does match up.
 19 Q. It does indeed. Thank you.
 20 (Exhibit Martinez 8, 2014 tax returns
 21 for Joel and Vicky Martinez, is marked for
 22 identification)
 23 BY MR. MARSHALL-OTTO:
 24 Q. Next I'm going to hand you what is
 25 being marked as Exhibit 8. Exhibit 8 is tax returns

Page 69

1 document appears to be a Schedule A form 1040 tax
 2 return for, I believe, yourself only?
 3 A. Correct.
 4 Q. Joel Martinez. So this is an
 5 individual tax return document?
 6 A. Yes.
 7 Q. And can you look for me at P-58 line
 8 seven. Because this is an individual return, we're
 9 just going to look at the income wages and salaries.
 10 A. Um-hum.
 11 Q. And that indicates your wages of
 12 101,894 dollars, is that correct?
 13 A. Can I see if that marches up to --
 14 Q. Well, yeah, I'm going to put that in
 15 front of you. But it does. I'm going to ask you
 16 that now.
 17 A. It does match up.
 18 Q. And that's what line seven of P-58
 19 indicates, right?
 20 A. Correct.
 21 Q. Okay. Very good. You can put that
 22 aside.
 23 Next I'm handing you what will be
 24 marked as Exhibit Martinez 10.
 25 (Exhibit Martinez 10, 2016 tax return,

Pages 66 to 69

Page 70

1 is marked for identification)
 2 BY MR. MARSHALL-OTTO:
 3 Q. And this appears to be your individual
 4 tax returns for the year 2016.
 5 A. **Um-hum.**
 6 Q. Is that correct?
 7 A. **Yes.**
 8 Q. I'm going to ask you to look on the
 9 front page here, P-78, at line seven which by my
 10 reading indicates wages, salaries and tips of 151
 11 thousand 265 dollars, is that right?
 12 A. **That's correct.**
 13 Q. And does that comport with what your
 14 answers to interrogatories state?
 15 A. **It does match.**
 16 Q. And you can put that aside.
 17 To the best of your recollection, do
 18 these numbers that we've gone over comport with your
 19 salaries for those years?
 20 A. **They do.**
 21 MR. LOUGHRY: When you say these
 22 numbers, you mean the ones in the interrogatories or
 23 the ones on the tax returns?
 24 MR. MARSHALL-OTTO: Well, we've
 25 established that they all match up, so.

Page 71

1 MR. LOUGHRY: Okay.
 2 THE WITNESS: Yes, they match up.
 3 BY MR. MARSHALL-OTTO:
 4 Q. That's all I need to ask about that.
 5 Actually, excuse me, I have one
 6 follow-up question.
 7 Is there anything missing from these or
 8 from your tax returns as far as any bonuses that you
 9 didn't report or anything like that?
 10 A. **No. Nothing.**
 11 Q. Let me go to what was previously marked
 12 as Martinez 4.
 13 So I'm going to represent to you that
 14 the first two pages of these documents are a
 15 certificate as to accuracy and completeness of
 16 records provided which we received from the custodian
 17 of records at Aroga Behavioral Health Center and
 18 thereafter the next 80 pages or so, maybe 79 pages,
 19 are your mental health records from Aroga Behavioral
 20 Health Center?
 21 A. **Um-hum.**
 22 Q. Have you seen these records before?
 23 A. **I have.**
 24 Q. Have you read through them in detail?
 25 A. **Not in detail, but I have read through**

Page 72

1 **them.**
 2 Q. I'm just going to ask you a few
 3 questions and I'll bring your attention to the
 4 particular page number that I'm interested in and
 5 you'll see at the bottom of the pages they're marked
 6 NJSP Martinez followed by a numerical number here,
 7 numerical value.
 8 A. **Yes.**
 9 Q. AND so I'll indicate which value I'm
 10 looking at.
 11 I want to start at NJSP Martinez 314.
 12 This record indicates that patient Joel
 13 Martinez, is that you?
 14 A. **That's correct.**
 15 Q. It indicates a patient with a long
 16 history of anxiety and low self esteem since
 17 childhood. Reports being diagnosed with OCD in the
 18 past, has a very strong family history of anxiety.
 19 Reports recent episode of severe anxiety at work.
 20 Is that accurate that you've had a
 21 history of anxiety and anxiety attacks?
 22 A. **When it comes to public speaking, that**
 23 **is correct. When it comes to feelings of me being**
 24 **one of the very few Latinos in high finance, for lack**
 25 **of a better term, and feeling that I need to perform**

Page 73

1 **very well in front of my colleagues, it does create**
 2 **anxiety.**
 3 Q. But in general, you're proud of your
 4 accomplishments?
 5 A. **I am.**
 6 Q. As you should be. Okay.
 7 A. **If you take out the public speaking**
 8 **events, then I do not.**
 9 Q. So on the same page it indicates that
 10 you were, at least at the time, paranoid that other
 11 people talk about him.
 12 What people were you worried would talk
 13 about you?
 14 A. **I had just joined the asset management**
 15 **industry for the very first time after having spent**
 16 **13 years on the sell side in investment banking. My**
 17 **position in investment banking was, at the very end**
 18 **of it, a difficult one. We tried to launch a sales**
 19 **desk because of the crisis, it did not work out. I**
 20 **was downsized, I was let go. As a result of that, I**
 21 **switched careers to the asset management side and at**
 22 **the very beginning it was a very strong adjustment**
 23 **period because I had to learn a brand new language**
 24 **and I came in with very high accolades at the**
 25 **director level on -- during my previous position on**

Pages 70 to 73

Page 74

1 Wall Street. And here I am placed in a new role with
2 people speaking a language that -- or terminology
3 that I was not familiar with and I felt that at the
4 time, wow, having lost a job is a pretty -- it's a
5 pretty impactful event in one's life. I'm not up to
6 speed with the language that everyone else is
7 speaking, therefore, is this going to hurt me and is
8 there a probability that I'm going to be laid off.
9 That created anxiety for me.

10 Q. Understood. Understood.
11 I want you to flip the page to NJSP
12 Martinez 315.

13 There is a note here that indicates
14 that you were bullied as a child. I imagine you
15 mentioned that to your therapist for a reason. Does
16 that have any lasting impact on you today?

17 A. I don't remember me offering that
18 information. Perhaps it was part of a general Q&A,
19 how was your upbringing. Perhaps that's how it came
20 out.

21 Q. Okay. Your records from Aroga, and I'm
22 talking a little bit more generally now, indicate
23 various medications, Prozac and Zoloft, Xanax and
24 Ambien.

25 Do you take any of those now?

Page 76

1 large group of people which is a normal part of my
2 business activity.

3 Q. Sure.

4 A. I think it says here at the bottom of
5 your exhibit, may discontinue propranolol and Ambien.
6 I'm not taking Ambien, Zoloft, and what was the other
7 one? Prozac.

8 Q. Right. Okay.

9 A. And this was 2010.

10 Q. I'd like to turn your attention to NJSP
11 Martinez 329.

12 A. Um-hum.

13 Q. The chief complaint section of this
14 page mentions that you and your wife were working out
15 your relationship after she cheated on you?

16 A. Correct.

17 Q. Near the bottom of that little
18 paragraph, the chief complaint paragraph, it says
19 feels that the meds helped him cope with the marital
20 crisis. So is it true that those medications had a
21 purpose beyond just helping you at work?

22 A. Yeah. Again, what was Seroquel for?
23 It was for sleep. I was having a difficult time
24 sleeping during that period of my marriage and the
25 Seroquel helped give me a good night's rest.

Page 75

1 A. I do not take Ambien. I do not take
2 Zoloft or what is the other one?

3 Q. Prozac.

4 A. Prozac, I don't remember the last time
5 that I've taken those medications. What I do take,
6 and this is prior to a public event or a public
7 speaking event is a very small portion of Xanax and
8 propranolol as prescribed by my physician.

9 Q. Did you take that today?

10 A. I did.

11 Q. Do you take Seroquel now?

12 A. I do not.

13 Q. You do not?

14 A. I do have a prescription for it for
15 sleep, but I do not take it.

16 Q. And with respect to these medications
17 we were talking about, Prozac, Zoloft, Xanax,
18 Ambien and also -- excuse me. Prozac, Zoloft, Xanax,
19 Ambien propranolol and Seroquel, were you taking any
20 of those on April 26 of 2013?

21 A. I doubt it because it was a day where I
22 was going to travel and I was not going to be in a
23 public speaking role.

24 Just to reiterate, these are for
25 periods in which I am giving a presentation to a

Page 77

1 Q. But with respect to coping with the
2 marital crisis, let's say the ante-anxiety medication
3 Xanax, that wasn't for coping with the marital
4 crisis?

5 A. No, that was for public speaking to
6 relax me. The Seroquel was for me to be -- finally
7 be able to sleep. I was going through a very
8 difficult period, I was having difficulty falling
9 sleep at night and Seroquel helped with that.

10 You might want to also consider the
11 dosage that's prescribed. It could be the bare
12 minimum.

13 Q. I can't do that, I'm not a doctor.

14 A. It could be the half of a bare minimum.

15 Q. Understood.

16 MR. LOUGHRY: It could be.

17 THE WITNESS: I'm implying that it is.
18 Reports sleeping well on Seroquel.

19 BY MR. MARSHALL-OTTO:

20 Q. I want to bring your attention to NJSP
21 Martinez 342. Actually, 341 to 342.

22 A. Okay.

23 Q. Beginning at the very bottom, 341.

24 It says: Patient with history of
25 anxiety who reported with loss of follow-up who

Pages 74 to 77

Page 78

1 reported with episode of severe anxiety after, this
2 appears to be a typo, he but it says the, T-H-E, ran
3 out of the Seroquel. Patient reported he with the
4 inability to lower his heart rate. Patient reported
5 with severe anxiety. Patient reported with frequent
6 awakening. Patient reported with good response to
7 Xanax.

8 This report discusses frequent
9 awakening, severe anxiety and inability to lower
10 heart rate, right?

11 **A. Consistent with what I had expressed**
12 **earlier, that is correct, having difficulty falling**
13 **asleep.**

14 Q. Right. And it appears that the notes
15 record a good response to Xanax with respect to those
16 issues.

17 **A. By good response, what do you mean?**
18 **Can you elaborate?**

19 Q. Well, I can't elaborate. That's what
20 the notes say. I would assume that a good response
21 would mean that it helped to address the issues noted
22 here such as frequent awakening and severe anxiety,
23 but I have no more than what's available before me.

24 MR. LOUGHRY: Is there a question?

25 BY MR. MARSHALL-OTTO:

Page 80

1 I want to ask you -- I want to make one
2 more representation.

3 I represent to you that there is no
4 discussion or no note of the incident with Trooper
5 Rivera in this particular record and I'm wondering,
6 wouldn't that be something that you would have
7 mentioned to your mental health professional?

8 **A. During every session. During every**
9 **session you can directly call Dr. Negron and ask if**
10 **this situation with the trooper is discussed or not.**

11 Q. Well, that's my point. Because I can
12 also represent to you that in the entries that
13 follow, July 23rd 2013, there are notations regarding
14 the affair and the apparent issues that it caused
15 you. I'm wondering why the soonest in time after the
16 event had no mention of that affair?

17 Is that a simple failure of your
18 psychiatrist to note anything or do you think it
19 wasn't discussed yet at that time.

20 MR. LOUGHRY: Just note my objection to
21 form. You can go ahead.

22 THE WITNESS: Repeat your question,
23 please.

24 BY MR. MARSHALL-OTTO:

25 Q. Sure. Maybe I can phrase it a little

Page 79

1 Q. Well, I asked him, is it accurate to
2 say that there was a good response to the Xanax,
3 i.e., that it helped address the problems mentioned?

4 **A. I mean I can tell you one thing, that**
5 **the -- I did have a much different form of anxiety**
6 **because of what had transpired and the conflicts in**
7 **our marriage were very bad, and I was having more**
8 **difficulty sleeping at night. So yes, the Seroquel**
9 **was helpful. I don't know about the Xanax because**
10 **the Xanax was more for public speaking.**

11 **And yes, I see here I was going through**
12 **a bout of depression at that time.**

13 Q. I'm going to make a couple
14 representations to you and then follow up with a
15 question.

16 I'm going to represent to you that the
17 health records that I have before me are in
18 chronological order and I'm going to represent to you
19 that the first health record in here that comes after
20 the date of April 26th, 2013 is the record beginning
21 on NJSP Martinez 341 dated July 23rd, of 2013.

22 **A. The one that describes an uptick in**
23 **anxiety and depression?**

24 Q. The one that describes your anxiety and
25 treating with Xanax, et cetera.

Page 81

1 better.

2 Do you have a specific recollection of
3 mentioning the incident with Trooper Rivera at your
4 session on July 23rd of 2013?

5 **A. I mentioned that event in one shape or**
6 **another during every session that I've had with this**
7 **mental healthcare professional. In fact, I was**
8 **concerned for my safety after the event and I**
9 **actually had this conversation with my primary care**
10 **physician as well as my parish priest as well as my**
11 **mom. I was afraid.**

12 Q. So the fact that anything with respect
13 to the incident and the problems it was causing you
14 can't be found in the July 23rd, 2013 entry is not
15 something you can speak to?

16 **A. You'd have to ask the doctor.**

17 Q. Fair enough.

18 I want to bring your attention to NJSP
19 Martinez 351.

20 This is about, I'll represent to you,
21 date noted on this entry is April 21st of 2015 which
22 is about two years after the incident with Trooper
23 Rivera. The notes indicate, quote, patient reported
24 also with a civil case against a State Police. The
25 police was having an affair with his wife and that's

Pages 78 to 81

Page 82

1 all it says about the lawsuit.
 2 Isn't it true that the civil suit is
 3 about the affair that Trooper Rivera was having with
 4 your wife at the time?
 5 A. Say that again.
 6 Q. These health records note a civil case
 7 against the State Police, period.
 8 A. Where? Which part?
 9 Q. The middle of the second paragraph.
 10 Quote --
 11 A. On 351?
 12 Q. On 351.
 13 Quote, patient reported also with a
 14 civil case against the State Police.
 15 Actually that's comma. The police was
 16 having an affair with his wife.
 17 A. Okay.
 18 Q. It appears reading this that the two
 19 are very intimately connected, that this is a civil
 20 case against someone who is having an affair with
 21 your wife. There is no mention of him having caused
 22 you a wrongful arrest and perpetrating any other harm
 23 like excessive force against you.
 24 Did you tell your therapist or whomever
 25 you were speaking to that you had a civil case

Page 84

1 MR. MARSHALL-OTTO: I'm finished.
 2 MR. LOUGHRY: Okay. Thank.
 3 (Witness excused)
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Page 83

1 against the State Police because the police was
 2 having an affair with your wife, as it states here?
 3 A. How and in which way the healthcare
 4 professional puts down his notes to jog his memory is
 5 an issue you'll have to take up with him. I have
 6 been extremely transparent with my therapist and he
 7 knows the story from cradle to grave.
 8 Again, I am in no way in this fight for
 9 justice and wrongdoing and abuse of public trust
 10 because of an affair with my wife. I've moved on. I
 11 have divorced her. I have achieved an annulment. I
 12 am in communication with other females. This has
 13 nothing to do with the affair. If anything, Vicky
 14 was responsible along with the trooper for their
 15 affair. I am in this legal process for wrongful
 16 arrest and lies made against my character and
 17 fabrication of charges that never took place so that
 18 this cannot happen to another person going forward.
 19 I thought I made that specifically
 20 clear and I'm sorry that syntax that is short and one
 21 sentence or two from a mental healthcare professional
 22 could lead you to make that conclusion.
 23 Q. And I'm simply reading what's on the
 24 paper. And we're going to move on.
 25 In fact, I may be done.

Page 85

CERTIFICATE


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 3 I, Theresa Mastroianni Kugler, a Notary Public
 4 and Certified Shorthand Reporter of the State of New
 5 Jersey, do hereby certify that prior to the
 6 commencement of the examination,
 7 JOEL MARTINEZ,
 8 was duly sworn by me to testify the truth, the whole
 9 truth, and nothing but the truth.
 10 I DO FURTHER CERTIFY that the foregoing is a
 11 true and accurate transcript of the testimony as
 12 taken stenographically by and before me at the time,
 13 place, and on the date hereinbefore set forth, to the
 14 best of my ability.
 15 I DO FURTHER CERTIFY that I am neither a
 16 relative nor employee nor attorney nor counsel of any
 17 of the parties to this action, and that I am neither
 18 a relative nor employee of such attorney or counsel,
 19 and that I am not financially interested in the
 20 action.
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 23
 24 Theresa Mastroianni Kugler, C.S.R.
 25 Notary Public, State of New Jersey
 My Commission Expires May 5, 2021
 Certificate No. XIO857

Pages 82 to 85

C E R T I F I C A T E

I, Theresa Mastroianni Kugler, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.


Theresa Mastroianni Kugler, C.C.R.
Notary Public, State of New Jersey
My Commission Expires July 15, 2021
Certificate No. XI0857